

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 553 – SB 836

February 12, 2013

SUMMARY OF ORIGINAL BILL: Enacts the *Tennessee Heritage Protection Act of 2013*. Prohibits the alteration, physically or otherwise, of any memorial lying on public property honoring a major U.S. military conflict. Prohibits any individual from preventing a governmental entity, which holds a lawful responsibility to maintain such memorial, from performing such proper maintenance. This *Act* does not apply to any memorial lying within an area comprising land owned by the Tennessee Department of Transportation (TDOT).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003197): Authorizes any entity which exercises control of public property on which such a memorial exists, to petition the Tennessee Historical Commission via waiver in order to be dismissed from the requirements of this *Act*. Any such waiver may be heard and voted upon during a regularly scheduled meeting of Commission. Any such waiver must pass via majority vote. The *Act* applies to items, structures or areas in existence prior to January 1, 1970 and lawfully erected, named, or dedicated on or after January 1, 1970.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Public property is defined as all property owned or leased by the State of Tennessee, any county, municipality, metropolitan government, or any other entity that is created by act of the General Assembly to perform any public function. Regulation of the provisions of the bill will have no significant fiscal impact on state or local government.
- TDOT will not incur a significant increase in expenditures in its efforts to ensure that any memorials, structures, or areas are preserved as required by the proposed legislation.
- Is it estimated that there will not be a significant number of waivers brought to be voted upon by the Tennessee Historical Commission. Any waivers brought will be heard by the Commission during a regularly scheduled meeting. Any increase in expenditures can be accommodated within the existing resources of the Commission.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/jdb